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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,676	04/27/2000	Ryan Burkhardt	MS1-501US	4400

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EXAMINER

VO, LILIAN

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/560,676

Applicant(s)

BURKHARDT ET AL.

Examiner

Lilian Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 46 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1** recites “an operating system image” on page 21, line 5. It is unclear whether it is referring to the same operating system as stated on line 4 or is it referring to a different operating system. For the purpose of the examination, the examiner will assume it is referring to the same OS as stated on line 4.

**Claim 29** recites “...customizing of the one program is performed by the one program”, which is vague and unclear. For the purpose of the examination, the examiner will assume it means customizing one of the plurality of programs is being performed by just one program.

Appropriate correction is required to overcome this type of rejection.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 7, and 11 – 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Stedman et al. (US 6,262,726).

Regarding **claim 1**, Stedman et al. disclose a method comprising:

receiving information about a prospective user of an operating systems (abstract, col. 2, lines 5 – 24, col. 6, lines 48 – 67, fig. 6); and

developing an operating systems image, pre-populated with the information, to be installed on a computer (col. 7, lines 16 - col. 8, lines 10, fig. 8).

Regarding **claim 2**, Stedman et al. disclose the method as recited in claim 1, wherein the information comprises data describing the identity of the prospective user (col. 6, lines 48 – 67).

Regarding **claim 3**, Stedman et al. disclose the method as recited in claim 1, wherein the information comprises one or more of the user's name, initials, street address, state of residence, country of citizenship, electronic mail (email) address, age, social security number, date of birth, profession, hobbies, interests, and computer expertise (col. 6, lines 48 – 67).

Regarding **claim 4**, Stedman et al. disclose the method as recited in claim 1, wherein the information comprises data describing hardware preferences of the prospective user (col. 3, lines 6 – 15).

Regarding **claim 5**, Stedman et al. disclose the method as recited in claim 1, wherein the receiving comprises receiving information in response to one or more requests for information

targeted at a consumer (col. 6, line 48 – 67, registration process require customer to provide personal information and preferences, col. 7, lines 46 – 61, col. 1, line 56 – col. 2, line 2).

Regarding **claim 6**, Stedman et al. disclose the method as recited in claim 5, wherein the consumer is the prospective user (col. 7, lines 46 – 61, col. 1, line 56 – col. 2, line 2).

Regarding **claim 7**, Stedman et al. disclose the method as recited in claim 5, wherein the requests are presented to the consumer when a computer with the operating system is ordered by the consumer (col. 7, lines 46 – 61, and col. 1, line 56 – col. 2, line 2: customers' requested for customizations installation inherently means that customers have the option to request for customizing their computer when order).

Regarding **claim 11**, Stedman et al. disclose the method as recited in claim 1, further comprising storing the information in a bill of materials (col. 6, lines 48 – 67: maintain users' profile).

Regarding **claim 12**, Stedman et al. disclose the method as recited in claim 11, further comprising making the information in a bill of materials available to other application programs (fig. 8: shows custom installation programs and files).

Regarding **claim 13**, Stedman et al. disclose the method as recited in claim 1, wherein the receiving comprises receiving information about a plurality of prospective users of the operating system, and wherein the developing comprises developing an operating system image, pre-populated with the information for each of the plurality of prospective users, to be installed on the computer (abstract, col. 2, lines 5 – 24, col. 6, lines 48 – 67, fig. 6).

Regarding **claim 14**, Stedman et al. disclose the method as recited in claim 1, wherein the operating system is organized as a plurality of components, and wherein one the plurality of

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components is an identity component that includes the information (col. 3, line 65 – col. 4, line 2, col. 4, lines 13 – 39, col. 6, lines 48 – 67).

Regarding **claim 15**, Stedman et al. disclose the method as recited in claim 14, wherein the identity component is accessible to other application programs to allow the other application programs to be customized based at least in part on the information (fig. 8).

Regarding **claim 19**, Stedman et al. disclose the method as recited in claim 17, wherein the automatically customizing comprises automatically customizing the operating system during an initial boot of the computer (col. 6, lines 16 – 29, lines 48 – 67, fig. 5, col. 8, lines 11 – 26, fig. 9).

Regarding **claim 29**, Stedman et al. disclose the method as recited in claim 26, wherein the customizing of the one program is performed by the one program (col. 3, line 65 – col. 4, line 39).

Regarding **claim 30**, Stedman et al. disclose the method as recited in claim 26, wherein the accessing comprises communicating information requests to an interface that supports one or more of reading data from the record, writing data to the record, and modifying data in the record (col. 6, lines 48 – 67).

Regarding **claim 31**, Stedman et al. disclose the method as recited in claim 26, wherein the accessing comprises accessing the record from a local source (col. 4, lines 2 – 12: information is stored on the same nonvolatile storage device in the same system).

Regarding **claim 32**, Stedman et al. disclose the method as recited in claim 26, wherein the accessing comprises accessing the record from a remote source (col. 4, lines 2 – 12: LAN may be used to obtain information by connecting the system to nonvolatile storage device).

**Claims 16 – 18, 20 – 28, and 33 – 46** are rejected on the same ground as stated above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedmand et al. (US 6,262,726) in view of Beelitz et al. (US Pat 6,182,275).

Regarding **claim 8**, Stedman et al. did not clearly specify the receiving comprises obtaining the information from a computer used by a consumer to order a new computer with the operating system. Nevertheless, the claim limitation is shown in Beelitz et al. in which customer can place an order to buy a computer system via a user interface of a computer terminal 105 to provide the manufacture with his/her information of the selected choice (col. 4, line 10 – col. 5, line 35). Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made, to incorporate Beelitz et al.'s feature to Stedmand et al. to manufacture a targeted computer system as per the selections made by the user via computer terminal 105 (col. 5, lines 6 – 35).

**Claims 9 and 10** are rejected on the same ground as stated above.

***Conclusion***


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is (703) 305-7864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

lv  
April 30, 2003

  
**JOHN FOLLANSBEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Lilian Vo  
Examiner  
Art Unit 2127